

Africa on its Own: Regional Intervention and Human Rights

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Despite the continued gloomy reality of much reporting from Africa, the current moment is in fact one of hope for the continent. Though a quarter of Africa's countries were affected by conflict in 2003, several long-running wars have recently ended, including the twenty-five year war in Angola. In the Democratic Republic of Congo (DRC) all the major actors signed agreements and began a period of political transition, although scattered military activity continued in the east. In Burundi the government and the leading rebel force reached agreement in October and November 2003, but the government continued to fight against a smaller rebel movement in areas near the capital. Talks to end the brutal wars in Sudan and Liberia appeared likely to bear fruit.

Perhaps more importantly, new continental institutions and policy frameworks are creating the political space needed to discuss openly the roots of conflict—the source of Africa's worst abuses—in threats to democracy, human rights, and the rule of law. The transformation of the Organization of African Unity (OAU) into the African Union (A.U.) in 2002 offers unprecedented opportunities to begin to address the reasons why Africa has been such a troubled continent since most of its states achieved independence forty or so years ago.

At the level of peacekeeping or “peace enforcement,” military intervention in conflict-affected countries sponsored by African continental or sub-regional institutions is increasingly becoming a reality. The major world powers have not given the United Nations (U.N.) the capacity to respond effectively to Africa's wars. And, though Africa's former colonizers have sent troops in recent years to areas ravaged by conflict—including the 2000 British intervention in Sierra Leone and the ongoing French engagement in Côte d'Ivoire since late 2002—the major powers have repeatedly made it clear that they will not make the necessary commitment to prevent the massive human rights violations in Africa that result from conflict (Rwanda, the DRC, Burundi, and the Central African Republic being some examples of such neglect). The European Union intervention in the northeastern region of Ituri was an exception, prompted by fear of

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genocide and strictly limited in time to the period necessary for the U.N. to increase its forces in that troubled region. In this context, African states have no choice but to take up the challenge.

At both international and continental levels, the historical response to war in Africa has been hand-wringing when hostilities break out, but little if anything in the way of serious preventive action. Yet there are often obvious signs that war may be coming—in particular official policies that violate human rights through systematic discrimination and disregard for the rule of law, stolen elections (if any are held at all), and impunity for gross abuses. At least on paper, the A.U. and initiatives it has adopted—including the New Partnership for Africa's Development (NEPAD) and the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA)—provide a means for African states that are committed to furthering respect for human rights and acting to preempt conflict to apply pressure to governments that abuse their power.

This essay outlines the new institutions of the A.U. and the commitments to human rights that they make. It then considers four recent military peacekeeping interventions—in Burundi, Liberia, Côte d'Ivoire, and the DRC—that have been endorsed by African regional institutions. Although these interventions were undertaken with explicitly humanitarian motives, the human rights component has continued to be inadequate. Finally, the essay considers how, despite their commitments on paper, African states have yet to act on the commitments made in the Constitutive Act of the A.U. to ensure respect for democracy, human rights, and the rule of law in all states of the continent—the most important conflict prevention measure available.

Building Institutional Capacity to Intervene: the A.U. and Conflict Prevention

African leaders have recently reformed, fairly radically, the continent's institutions and policies. In 2002, the forty-year-old OAU was dissolved and reconstituted as the A.U. In contrast to the OAU, the A.U. is provided with the Constitutive Act that envisages a more integrated level of continental governance, possibly eventually paralleling that of the European Union. Under the OAU, state sovereignty was paramount: non-interference in the internal affairs of member states was its trademark. Regional or sub-regional interventions like those by the Economic Community of West African States (ECOWAS) in conflicts in Liberia and Sierra Leone were the exception, not the rule.

Under the A.U.'s Constitutive Act, there is a commitment to "promote and protect human and peoples' rights," and it specifies that "governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union." It also provides for a fifteen-member Peace and Security Council to replace the OAU's Mechanism for Conflict Prevention, Management, and Resolution. Once established, the council will facilitate the A.U.'s response to crises and will "promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts." As of October 2003, seventeen African countries, of the twenty-seven needed, had ratified the A.U. Protocol on Peace and Security, which would set up the Peace and Security Council. The A.U. Protocol explicitly authorizes the organization to "intervene in a Member State ... in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity."

At the same time as the process establishing the A.U. was ongoing, African governments—led by South Africa, Nigeria, Senegal and Algeria—created another new mechanism to promote good governance and economic development: the New Partnership for Africa's Development (NEPAD), and the related African Peer Review Mechanism. NEPAD is focused on economic development, but unusually, explicitly recognizes that: "Peace, security, democracy, good governance, human rights, and sound economic management are conditions for sustainable development." It proposes systems for monitoring adherence to the rule of law that can promote respect for human rights, in addition to perhaps serving as a check to prevent conditions in a given country from deteriorating to the point of insurgency or conflict. NEPAD has now been adopted as a formal program of the A.U.

One of the proposed systems for monitoring adherence to the rule of law is NEPAD's African Peer Review Mechanism (APRM). Under the APRM, a group of African "eminent persons" is to conduct periodic reviews of members' "policies and practices" "to ascertain progress being made towards achieving mutually agreed goals." Membership in the APRM is not mandatory. Rather, states choose peer review by signing an additional memorandum of understanding, adopted in March 2003. At this writing, a dozen countries have joined.

The Conference on Security, Stability, Development and Cooperation in Africa—on which the A.U. also adopted a Memorandum of Understanding in 2002—includes a set of undertakings on a wide range of issues related to human rights, democracy, and the

rule of law. The CSSDCA, loosely modeled on the Organization for Security and Cooperation in Europe (OSCE), has a peer review implementation mechanism that resembles but in some respects is stronger than NEPAD's. There are obvious areas of overlap between the CSSDCA and NEPAD, and there is now an attempt to coordinate the two processes, with ongoing discussions about harmonizing the standards used and division of responsibilities under the different review systems.

NEPAD has been endorsed by virtually all international agencies and bilateral donors, from the U.N. General Assembly to the European Union (E.U.), Japan, and the United States (U.S.), as the general framework around which the international community should structure its development efforts in Africa. Perhaps most important among these endorsements is that of the Group of Eight (G8) industrialized countries, which adopted an Africa Action Plan at its 2002 summit. The G8 plan sets out a detailed list of engagements in support of the A.U.'s priorities, focusing on human rights and political governance as well as on economic issues. The G8 plan included some good—though carefully limited—language on the promotion of peace and security in Africa; the only G8 promise with a hard deadline was “to deliver a joint plan, by 2003, for the development of African capability to undertake peace support operations, including at the regional level.” A report on progress in implementing the Africa Action Plan was duly presented to the 2003 G8 summit. But though the report reads as if much has been achieved, in practice there have been more words than action or financial support. The promised plan for the development of African capacity in peace support operations itself acknowledged freely that “it will take time and considerable resources to create, and establish the conditions to sustain, the complete range of capabilities needed to fully undertake complex peace support operations and their related activities.”

Regional Interventions

We are likely to see more African interventions to stem conflict in the coming years. Though they can make a useful contribution, as the examples below demonstrate, there are also many possible pitfalls; as these and other cases have already shown. A regional intervention may ignore critical post-conflict components such as justice, demobilization, and restructuring the armed forces. Regional politics may interfere with and undermine the humanitarian nature of the intervention. Funding limitations may hinder a timely and effective intervention. Peacekeepers may be recruited from national armies that regularly commit abuses against their own citizens; and in some cases from neighboring countries that have an interest in the conflict they are supposed to be policing. The intervention may fail to establish mechanisms of accountability to punish

peacekeepers that commit human rights violations and thus itself further contribute to an environment of impunity.

Lastly, African regional interventions may encourage the wider international community in its tendency to abdicate its responsibility to respond to African crises. The reality is that Africa's peacekeeping capabilities cannot in the short run equal those of wealthier countries. Even if wealthier countries make a more serious financial commitment to peacekeeping in Africa than has historically been the case—that is, even if the G8's promises are fulfilled—Africa should not be expected to take sole charge of the burden of attempting to prevent or respond to war on the continent.

In 2003, regional and continental African bodies demonstrated an increased willingness to respond both militarily and politically to regional crises. Of all the sub-regional bodies, the West African group ECOWAS continued to play the most prominent role in addressing conflicts in Côte d'Ivoire and Liberia. In May, the ECOWAS security committee resolved to create a rapid response military force to tackle sub-regional crises, and also agreed to strengthen the regional arms moratorium. ECOWAS is also in the process of establishing early warning centers in the troubled West African region.

The trend towards greater regional intervention was most evident in four countries:

- Burundi, where the A.U. mounted its first peacekeeping operation in 2003.
- Côte d'Ivoire, where some 1,300 ECOWAS troops coordinated with 3,800 French forces in monitoring the fragile cease-fire that ended the civil war sparked in September 2002.
- Liberia, where, after President Charles Taylor stepped down, 3,500 ECOWAS peacekeepers deployed in and around the capital, Monrovia, pending the arrival of U.N. forces. ECOWAS also brokered an August 2003 ceasefire and an agreement to establish an interim government.
- Democratic Republic of Congo, where the Southern African Development Community (SADC) justified intervention on the grounds that a SADC member state was fighting an extra-territorial threat. The intervention included attempts to mediate peace in DRC and the deployment of troops.

All of these interventions were prompted by conflict that has caused massive suffering to civilian populations. Yet their human rights component remained marginal.

Burundi

The decade-long civil war in Burundi was sparked when an elected Hutu president was assassinated in 1993 by soldiers from the Tutsi-dominated government army. The war has claimed more than 200,000 lives and has been marked by daily violations of international humanitarian law by all sides: killings, rape, and torture of civilians, the use of child soldiers, and the forced displacement of populations.

After a series of ceasefire agreements between the government and three of four rebel movements, a transitional government took power. Legislators passed several laws important for delivering justice, including a long-promised law against genocide, war crimes, and crimes against humanity; and the country received a new infusion of foreign aid. But the government and the leading rebel movement, the Forces for the Defense of Democracy (FDD), continued combat sporadically until October and November 2003 when they signed protocols renewing their commitment to a cease-fire and began incorporating FDD members into the government and the army. The final ceasefire protocol included guarantees of unlimited and undefined “provisional immunity” from prosecution for both forces, calling into question all previous efforts to ensure accountability for violations of international humanitarian law. Meanwhile the war continued between government troops and a smaller rebel movement, the Forces for National Liberation, that held territory around the capital.

The A.U.’s initial intervention in Burundi was a traditional peacekeeping mission, deployed to enforce the 2000 Arusha Peace Accords rather than to curtail an immediate crisis. It was based on and expanded a smaller force of South African troops present to protect opposition political leaders under the terms of the Arusha Accords. In January 2003, the A.U. authorized the dispatch of a small military observer mission to monitor the ceasefire. A month later, at an extraordinary summit, the A.U. approved a larger peacekeeping mission, the African Mission in Burundi (AMIB). The A.U. mandated AMIB to disarm, demobilize, and reintegrate into society all rebel troops and to monitor the country’s post-war transition to democracy. By October, a 3,500-strong force had been deployed to Burundi, largely from South Africa, Ethiopia, and Mozambique. However, delays in donor funding, bureaucratic inertia, and the absence of a political agreement initially frustrated the A.U. peace effort. In addition, there was growing

concern that inadequate facilities and arrangements for the cantonment of Hutu rebels would undermine the implementation of the ceasefire.

The Burundi peacekeeping mission charged peacekeepers with protecting government buildings, facilitating rebel demobilization, and paving the way for elections in 2004. The mandate says nothing about protecting civilians, but its rules of engagement do provide for intervention in the event of massive violence against civilians. Still largely confined to the capital at this writing in December 2003, AMIB soldiers had not played a role in limiting abuses against non-combatants. Although the mission did not have a human rights mandate, it did include election-related issues, a first for A.U.-initiated interventions.

As with any such endeavor, difficulties and challenges abounded. Because the parties to the peace process failed to resolve issues such as the restructuring of the national army, the peacekeepers could not move forward with programs to demobilize and reintegrate combatants.

Regional leaders, led initially by Tanzania and Uganda, had long attempted to end the war, but without success. South Africa assumed a greater role after the Arusha Accords were signed. When the United Nations, designated by the Accords to provide troops to protect opposition leaders, refused to do so until there was an effective ceasefire, South Africa provided the necessary soldiers for implementation to go forward. South Africa paid the cost of these soldiers, who later became the core of the AMIB force while other contributors to AMIB, Ethiopia and Mozambique, received support from the United States and the United Kingdom to help cover their expenses. South Africa pushed vigorously for the October and November 2003 protocols ending combat between the government and the FDD rebels, in part because it could then ask the United Nations to send peacekeepers to replace its own troops and end its expensive commitment to peacekeeping in Burundi. In welcoming the protocols, South African leaders said nothing about the guarantee of provisional immunity. Other international leaders—including U.N. Secretary-General Kofi Annan—equally anxious to end combat in Burundi, also remained silent about the indefinite delay in demanding justice for crimes against civilians.

Liberia

Liberia has seen ECOWAS-led peacekeeping operations since 1990. The flow of arms and combatants, including mercenaries, across its porous borders has destabilized the country for over a decade and its conflict has spilled over into neighboring Sierra Leone and Côte d'Ivoire, as well as into Guinea. Liberia is likely to remain a source of regional instability for some time, despite ECOWAS's efforts and its successful brokering of a peace agreement.

The ECOWAS military intervention at the start of civil war in 1990 was a Nigerian-led operation that remained in Liberia for nine years. It successfully set up a haven of relative peace around the capital city and protected civilians within the perimeter of its control—though the peacekeepers also committed abuses against civilians or suspected rebels on occasion. The peacekeepers also provided economic and arms support to factions opposed to Charles Taylor (leader of one of the most successful and most abusive armed groups), thereby contributing to the proliferation of rebel groups. In 1997, with support from the United Nations, ECOWAS promoted a peace plan and oversaw the highly flawed elections that brought Charles Taylor to office as head of state. In 1999, the ECOWAS troops left Liberia.

Prompted by the 1990 intervention, ECOWAS began to strengthen its institutional conflict-response mechanisms. In 1993, ECOWAS expanded its founding treaty to include peace and security in its mandate. ECOWAS subsequently created a Mediation and Security Council with the authority to deploy military forces by a two-thirds vote. It was not long before ECOWAS dispatched a peacekeeping force to Sierra Leone. Following a 1997 insurgency by the Revolutionary United Front (RUF), a rebel group supported by Charles Taylor, by then Liberian president, ECOWAS sent forces to Sierra Leone to quell its decade-long civil war. In 1998, ECOWAS troops helped to restore to power the elected government of President Ahmad Tejan Kabbah. The ECOWAS mandate in Sierra Leone ended in 1999, when the United Nations deployed peacekeepers. Most of the ECOWAS contingents were absorbed into the U.N. mission. In 2000, Sierra Leone collapsed back into war for another two years, as the RUF returned to the bush, but a bilateral intervention by the United Kingdom and a beefed up U.N. presence eventually contributed to the ending of the war and the holding of elections in 2002. U.N. troops, as well as a small British contingent, remained in a post-war Sierra Leone as of late 2003.

Liberia once again descended into civil war in 2000. The two rebel groups, Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy

in Liberia (MODEL), and government forces each committed widespread atrocities. But not until 2003 did ECOWAS finally redeploy peacekeepers to Liberia. The situation in Liberia deteriorated in the latter half of 2003 as LURD and MODEL fought their way to the capital Monrovia, indiscriminately shelling civilian areas. Under the auspices of ECOWAS, President John A. Kufour of Ghana began hosting peace talks in June 2003. A ceasefire was signed in mid-June but fighting continued. In early August, Taylor resigned his presidency and fled to Nigeria, where he was offered shelter, despite an indictment for war crimes by the Special Court for Sierra Leone. After two-and-a-half months, the Ghana talks culminated in the signing of a peace agreement on August 18, 2003.

The first of the new contingent of ECOWAS peacekeepers arrived in Liberia on August 4, 2003. ECOWAS shifted troops from Sierra Leone in order to deploy some 3,000 West African ECOMIL (ECOWAS Military Mission in Liberia) peacekeepers. The ECOMIL troops brought much needed calm to the capital, and led the way for the deployment of a 15,000-strong U.N. peacekeeping force approved by the U.N. Security Council in early September. The mission deployed in October, and the ECOMIL troops became the first contingent of U.N. troops in Liberia.

Given its historic ties to Liberia, the United States seemed the obvious candidate to lead an international peacekeeping mission, as the United Kingdom and France had done in Sierra Leone and Côte d'Ivoire, respectively. Yet the U.S. refused to assume any risk or responsibility for curtailing the crisis in Liberia. After much debate, the U.S. made only a weak, largely symbolic intervention: some 2,000 U.S. Marines were stationed on vessels off-shore, but a mere 200 landed in Monrovia. These 200 troops landed only after ECOMIL had taken control of Monrovia and the rebels had withdrawn from the immediate area. They stayed on shore only a few days and the entire U.S. force withdrew from the area roughly ten days later. The U.S.'s paltry intervention came as a huge disappointment; many believed that the presence of U.S. troops would have calmed significantly the volatile situation and enabled West African peacekeepers to deploy outside the capital where serious abuses were continuing. It also would have made recruiting forces for the U.N. peacekeeping force much easier.

The A.U.'s role in Liberia has been disappointing on the question of justice. The A.U. remained silent regarding the Special Court for Sierra Leone's indictment of Taylor for war crimes in connection with his support for the RUF. The A.U. took no position when the indictment was unsealed and Ghana's President Kufour chose not to arrest Taylor during the peace talks in Accra. Neither the A.U. nor ECOWAS has called on

Nigeria's President Obasanjo, who offered Taylor refuge in Nigeria, to arrest Taylor and transfer him to Sierra Leone for trial. The ECOWAS-brokered Liberian peace agreement made no clear recommendations for or commitments to justice; it is uncertain what kind of justice mechanisms, if any, will be established to address crimes committed during the war. Given the dangerous regional nature of the Liberian crisis, with Guinea and Côte d'Ivoire providing ongoing support to Liberian rebel groups, the AU should also take steps to denounce Liberia's neighbors and others providing support to abusive armed insurgency groups. The A.U. appointed a special envoy for Liberia, who could and should urge respect for human rights.

Côte d'Ivoire

Since September 19, 2002, Côte d'Ivoire has been gripped by an internal conflict that has paralyzed the economy, split the political leadership, and illuminated the stark polarization of Ivorian society along ethnic, political, and religious lines. It is a conflict that has been characterized by relatively little in the way of active hostilities between combatants, but by widespread and egregious abuses against civilians. It is a conflict that, while primarily internal, developed regional dimensions when both the Ivorian rebel groups and the government of Côte d'Ivoire recruited Liberian mercenary fighters to support their forces in the west.

ECOWAS quickly recognized the gravity of the Ivorian situation, touching as it did the economic heart of the region, and began mediation efforts within days of the initial uprising. ECOWAS concerns largely centered on the economic and humanitarian impact of the crisis and the risks to regional stability posed by the conflict. In October 2002, ECOWAS mediators brokered a ceasefire, and both the Ivorian government and the main rebel group, the Patriotic Movement of Côte d'Ivoire (Mouvement Patriotique de la Côte d'Ivoire, MPC) authorized an ECOWAS monitoring mission. However, the ECOWAS commitment to send troops was hampered by funding constraints and stalled for more than two months after it was made. In the interim, France agreed to fill the gap, expanding its longstanding military presence and extending its mandate from protection of French nationals to ceasefire monitoring.

Despite these efforts, the Ivorian conflict intensified with the opening of the western front, the involvement of Liberian forces on both sides, and the proliferation of rebel groups in December 2002. ECOWAS military engagement remained minimal until early 2003, despite consistent efforts to broker cease-fires, set up peace negotiations, and bring the parties to conflict together. As ECOWAS efforts stalled, French concern

deepened and France's contributions increased on both the military and political fronts. By early 2003, there were over 2,500 French troops in Côte d'Ivoire working in conjunction with over 500 ECOWAS forces, and a French-brokered peace agreement, the Linas-Marcoussis accords, had been signed by the government and all three rebel groups. ECOWAS and A.U. officials continued to apply pressure to both the Ivorian government and rebel forces, with Ghana's president, John Kufuor, playing a particularly prominent role as head of ECOWAS.

Additional ceasefire agreements and negotiations led to an officially-proclaimed end to the conflict in July 2003, but implementation of the Linas-Marcoussis accords was slow. Working in conjunction with a small U.N. political and military liaison mission, MINUCI, and some 4,000 French troops, the ECOWAS operation helped monitor compliance with the peace agreement between the Ivorian government and rebel forces. As of late-May 2003, approximately 1,300 ECOWAS troops were in place in the country. However, insufficient resources remained a serious constraint.

In spite of intense regional and French efforts, Côte d'Ivoire's hopes for peace remained deadlocked as of November 2003. At this writing, disarmament has still not taken place, and the government of reconciliation formed by the peace accord has been handicapped by continuing splits between the warring parties. The growth of a vocal, violent, pro-government militia movement with links to the state armed forces, has done little to ease tensions. Abuses against civilians, both in Abidjan and rural areas, have continued, albeit on a lesser scale than during the "official" war.

Continuing impunity remains a fundamental problem. Despite domestic, regional, and international recognition of the serious abuses that took place during the conflict and in election-related violence in 2000, to date there have been no significant steps taken to bring perpetrators of abuses to justice. Key human rights provisions in the peace accords included the establishment of a national human rights commission and an international commission of inquiry, yet neither has materialized. In February 2003, the A.U. called for an investigation by the African Commission on Human Rights, but has since remained silent on the subject. Yet impunity remains one of the key underlying causes of the conflict in Côte d'Ivoire. Long-term resolution of the conflict will require not only political and military engagement by ECOWAS and the A.U., but resolute action to condemn human rights abuses and use financial and political leverage to restore the rule of law.

From the start of the conflict, the U.N. deferred to France on political and military matters concerning Côte d'Ivoire. A Security Council resolution in February 2003 condemned human rights abuses in the conflict and conferred authority on French and ECOWAS forces to intervene. The U.N. Mission in Côte d'Ivoire (MINUCI) was proposed in late April and approved in early May 2003. Initially, the mission included military observers and liaison officers and a vital human rights monitoring component. But the Security Council cut human and financial resources for the mission's civilian components, based mainly on U.S. concerns over the budget and staffing. In advocating such cuts, the U.S. displayed serious short-sightedness: the multitude of abuses in Côte d'Ivoire amply underscored the urgent need for a human rights monitoring component to be included in the peacekeeping effort. The international and donor communities must press aggressively for accountability and respect for human rights, including the use of sanctions and the conditioning of aid. Even where African leaders are taking the initiative, there is still an important continuing role for the international community.

Democratic Republic of Congo (DRC)

From August 1998 until 2003, the DRC was enmeshed in Africa's most devastating and large-scale war, at one point pitting the armies of Rwanda, Uganda, and Burundi together with Congolese rebel groups against the government of DRC supported by Zimbabwe, Angola, and Namibia. Despite three peace agreements aimed at ending the war as well as the creation of a new transitional government that started work in July 2003, sporadic fighting in eastern DRC continued until the end of 2003. It has been estimated that the war led directly or indirectly to the deaths of more than three million civilians, making it more deadly to civilians than any other conflict since World War II.

The conflict in the DRC has presented critical challenges to African leaders. For the A.U., it was a fundamental test of its commitment to conflict prevention, management, and resolution in Africa. For the Southern African Development Community (SADC), the war created significant regional political problems, as member states Zimbabwe, Namibia, and Angola joined, under the SADC umbrella, the former government in Kinshasa to fight the invasion of Uganda and Rwanda. Questions were also raised regarding the legality of the SADC intervention and whether proper authorization procedures were followed by SADC's Organ on Politics, Defense and Security, led at the time by Zimbabwean President Robert Mugabe.

Under the leadership of President Thabo Mbeki, the inaugural chair of the A.U., South Africa brokered talks aimed at a peace agreement between the former Kinshasa

government and Rwanda. The talks culminated in the Pretoria Peace Accords of 2002. South Africa also hosted the lengthy inter-Congolese dialogue that paved the way for an eventual government of national unity. South Africa further provided a substantial military contribution to the U.N. peace operation in DRC, agreeing to place some 1,500 South African troops in a forward base in the volatile east.

While crediting the willingness of South Africa to take a leading role in trying to resolve the conflict, critics remarked that its leaders failed to denounce numerous human rights violations by all parties to the war. Some questioned South Africa's neutrality, accusing it of having economic ambitions in DRC and a close partnership with Rwanda. South Africa was also ineffective in its role as a neutral observer for the Third Party Verification Mission (TPVM), a mechanism for implementing the accords that was finally dissolved in late 2003.

Despite the appearance that peace is closer now than ever, immense challenges still confront the new government of national unity in Kinshasa, among them the need for justice for massive human rights violations committed in Congo by all warring parties—domestic and international. Congolese civil society groups have been vocal in demanding an end to impunity. The international community, including the U.N. Security Council, has repeatedly stated that perpetrators will be held responsible for crimes committed during the war. Yet, as of this writing, no mechanism is in place to prosecute crimes committed before July 2002. July 2002 marks the official inauguration of the International Criminal Court (ICC) which Congo has ratified, and crimes committed thereafter fall under its jurisdiction. The A.U.'s ability to respond effectively to the many remaining post-conflict problems in the DRC may be the most challenging test of its commitment to taking a more proactive, continent-wide role.

Conclusion

The A.U.'s growing, if tentative, involvement in some of Africa's worst conflicts is a welcome development. However, its interventions must include a stronger human rights component fully integrated into all aspects of peacekeeping operations. As the cases highlighted in this essay show, African peacekeeping forces need both better training and stronger mandates to protect civilians. There is also an obvious need to integrate African peacekeeping initiatives with U.N. efforts, including by ensuring that the A.U.'s Peace and Security Council is closely linked to the U.N. Security Council, and to increase international—including U.N. and G8—support for peacekeeping initiatives on the

continent. It is ironic that it is on the poorest continent that peacekeeping is increasingly being devolved to regional rather than international institutions.

Peacekeeping, moreover, is a limited remedy. Peacekeeping interventions usually engage conflict late and focus primarily on providing short-term, often geographically limited military solutions. While such interventions can save lives and bring about significant improvements in short-term security, they do not in themselves necessarily address the underlying structural causes of conflict, including ensuring respect for human rights, accountable government, and the rule of law.

Among the most difficult of these issues is that of ending impunity for past and ongoing human rights crimes, an area where the A.U. has not been as strong as it should be. Although the OAU Council of Ministers endorsed in 1996 a “Plan of Action Against Impunity in Africa” adopted by the African Commission on Human and Peoples’ Rights earlier that year, there has been no real political will to implement this largely NGO-drafted document. African leaders have made a commitment (in a declaration on the CSSDCA adopted in 2000) to “condemn genocide, crimes against humanity and war crimes in the continent and undertake to cooperate with relevant institutions set up to prosecute the perpetrators”—yet a member state of the A.U.—Nigeria—is currently refusing to hand over to justice former President Charles Taylor to the Special Court for Sierra Leone. No A.U. voice has been raised to protest this refusal.

NEPAD proposes four key areas for building Africa’s capacity to manage all aspects of conflict, including the need to strengthen regional institutions for conflict prevention, management, and resolution; for peacekeeping; for post conflict reconstruction; and for “combating the illicit proliferation of small arms, light weapons and landmines.” Nobody could argue that these are not urgent matters, but in the absence of a strategy to deal with deeper causes they are unlikely to be successful. These deeper causes include widespread impunity not only for the worst atrocities but also for the more mundane large-scale theft of public funds; the illegal extraction and sale of Africa’s primary resources; and systematic discrimination on ethnic or regional grounds.

Ultimately the A.U. must strengthen its institutional commitment and capacity to monitor and address human rights violations on a regular basis—and it must act before things deteriorate to a crisis point and require military intervention. Although the documents setting up the new African institutions, including the A.U. Constitutive Act, NEPAD, and the CSSDCA, include many bold statements about the importance of good governance and the rule of law, African leaders have yet to show the will to

condemn publicly abuses by their peers and insist that measures are taken to end the abuses. The NEPAD and CSSDCA peer review processes should in theory help correct this problem. The international community has a responsibility to ensure that they have the resources to do so and that African civil society groups are able to monitor them as they begin their work.

The opportunities presented by these new African regional initiatives—this moment of hope—should not be thrown away.